

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE: CAPITAL ONE CONSUMER)
DATA SECURITY BREACH LITIGATION) MDL No. 1:19md2915 (AJT/JFA)
_____)

This Document Relates to CONSUMER Cases

**CAPITAL ONE’S MOTION TO EXCLUDE PORTIONS OF
THE REPORT AND TESTIMONY OF STUART E. MADNICK**

Defendants Capital One Financial Corporation, Capital One Bank (USA), National Association, and Capital One, National Association respectfully move to exclude portions of the expert report and testimony of Stuart E. Madnick in accordance with the Federal Rules of Evidence and *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993) and its progeny. The grounds for this motion are set forth in the accompanying memorandum of law and supporting exhibits.

Dated: July 2, 2021

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2021, I caused the foregoing document to be filed with the Clerk of Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/
David L. Balser
Counsel for Capital One